

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANDREW WILLIAM PANKOTAI,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 3:21-CV-00034

(Judge Brann)

(Magistrate Judge Saporito)

ORDER

MARCH 9, 2021

Plaintiff filed the instant action on January 8, 2021, and it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”¹ Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.²

On February 1, 2021 Magistrate Judge Joseph F. Saporito, Jr., to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that the motion for compassionate release be denied because he is

¹ 28 U.S.C. § 636(b)(1)(B).

² 28 U.S.C. § 636(b)(1).

in state custody pursuant to a state court judgment and 18 U.S.C. § 3582(c)(1)(A) applies only to federal prisoners.³

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”⁴ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁵

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

AND NOW, IT IS HEREBY ORDERED that:

1. Magistrate Judge Saporito’s Report and Recommendation, (Doc. 7) is
ADOPTED in full.
2. The motion for compassionate release is denied.

³ See, e.g., *Phelps v. Superintendent, Gouverneur Correctional Facility*, 2020 WL 7711619, at *1 (S.D.N.Y. Dec. 29, 2020).

⁴ Fed. R. Civ. P. 72(b), advisory committee notes; see also *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D. Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)).

⁵ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

3. The Clerk of Court is directed to close the case file.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge